



Docket No: 14591.1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

~~INAPPROPRIATE~~ application of

Mackay et al.

Serial No.: 09/998,145

Confirmation No.: 4556

Filed: November 30, 2001

For: **EYEGLOSS RETAINER WITH DUAL USE CONNECTORS**

Art Unit  
3626

#4  
Unit 1 DS  
7/31/02

**CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on July 9, 2002.

Transmitted:

- Transmittal for Information Disclosure Statement (3 pgs.) (In Duplicate)
- Information Disclosure Statement (3 pgs.)
- Form PTO-1449 citing thirty (30) references (4 pgs.)
- Legible Copies of thirty (30) listed references
- Postcard

Respectfully submitted,

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PATENT APPLICATION  
Docket No: 14591.11

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Mackay et al.

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Serial No.:

09/998,145

JUL 17 2002

) Art Unit  
) 3626

Confirmation No.:

4556

**GROUP 3600**

Filed:

November 30, 2001

For:

EYEGLASS RETAINER WITH DUAL USE  
CONNECTORS

### TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement, which includes the following statements, if any, required variously by 37 C.F.R. § 1.98:

- ☒ Statement of relevance of selected cited references not in the English language which are not translated.
- ☐ Statement that selected cited references are substantially cumulative of an enclosed or previously submitted reference.
- ☐ Statement that selected cited references were previously cited by or submitted to the United States Patent and Trademark Office in a prior application which is relied upon for an earlier filing date under 35 U.S.C. § 120.

A. Additional Materials Required Due to Content of Information Disclosure Statement

Transmitted are the following documents in addition to the Information Disclosure Statement as required variously under 37 C.F.R. § 1.98:

- ☒ Form PTO-1449 listing thirty (30) references submitted for consideration.
- ☒ Copies of thirty (30) of the references listed on the Form PTO-1449.
- ☒ English translations of one (1) of the references listed on the Form PTO-1449 which is not in the English language.

\_\_\_ Copies of the following documents from the prosecution of a previous, related application:

\_\_\_ Form PTO-1449 AND INFORMATION DISCLOSURE STATEMENT; and

\_\_\_ Form PTO-892

B. Additional Materials Required Due to Timing of Filing of Information Disclosure Statement

The transmitted Information Disclosure Statement is being filed within one (1) of the following four (4) time periods:

- I. ☒ Prior to the later of either three (3) months following the filing date or the mailing of a first Office Action. Accordingly, no materials other than those listed above are enclosed.
- II. \_\_\_ Following the latter of either three (3) months following the filing date or the mailing of a first Office Action, but before the mailing of a final Office Action or a Notice of Allowance. Accordingly, to secure consideration thereof, one (1) of the following is also enclosed:
  - \_\_\_ Promptness Certification; or
  - \_\_\_ Check No. \_\_\_\_\_ in the amount of \$180.00 constituting the submission fee set forth in 37 C.F.R. § 1.17(p).
- III. \_\_\_ After the mailing of a Notice of Allowance, but before payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:
  - \_\_\_ Promptness Certificate;
  - \_\_\_ Petition for Consideration; and
  - \_\_\_ Check No. in the amount of \$ \_\_\_\_\_ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).
- IV. \_\_\_ After payment of the Issue Fee. Accordingly, in order to secure consideration thereof, each of the following are also enclosed:

\_\_\_ Petition to Withdraw from Issue; and

\_\_\_ Check No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ constituting the petition fee set forth in 37 C.F.R. § 1.17(i)(1).

C. Fees

The Commissioner is hereby authorized to charge payment of or any deficiency in the following fees associated with this communication, or to credit any overpayment thereof, to Deposit Account No. 23-3178. A duplicate copy of this letter is enclosed.

☒ Any fee required in relation to filing of this letter or any documents transmitted therewith.

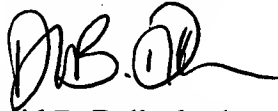
\_\_\_ The submission fee set forth in 37 C.F.R. § 1.17(p) in the event that 37 C.F.R. § 1.97(c) applies and the Examiner is not satisfied that any Promptness Certificate submitted meets the requirements of 37 C.F.R. § 1.97(e).

\_\_\_ The submission fee set forth in 37 C.F.R. § 1.17(p).

\_\_\_ The petition fee set forth in 37 C.F.R. § 1.17(i)(1).

Dated this 9<sup>th</sup> day of July 2002.

Respectfully submitted,



David B. Dellenbach  
Attorney for Applicant  
Registration No. 39,166



**022913**

PATENT TRADEMARK OFFICE

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Enclosures

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PATENT APPLICATION  
Docket No: 14591.11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of		)	
	Mackay et al.	)	
Serial No.:	09/998,145	)	Art Unit
Confirmation No.	4556	)	3626
Filed:	November 30, 2001	)	
For:	EYEGLOSS RETAINER WITH DUAL USE CONNECTORS	)	

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. § 1.97

Assistant Commissioner for Patents  
Washington, DC 20231

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GROUP 3600

Sir:

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which

the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

In accordance with 37 C.F.R. §§ 1.97 and 1.98, a copy of each of the listed references or relevant portion thereof is also enclosed.

In accordance with 37 C.F.R. § 1.98(c), all English translations within the possession, custody, control or availability of anyone designated in 37 C.F.R. § 1.56(c) of each non-English reference, if any, are also enclosed.

Statement of Relevance of References Listed  
Unaccompanied by English Translation  
Under 37 C.F.R. § 1.98(a)(3)

In accordance with 37 C.F.R. § 1.98(a)(3), the following concise explanation of the relevance of each listed reference that is not in the English language and unaccompanied by a translation into English is provided.

**EPO Patent No. 0 058 772: Spectacle frame usable for sporting activities – has retractable elastic cords which pass around wearer's head.**

**Abstract (Basic) EP 58772 A:** The pair of spectacles are suitable for every day use and also suitable for use during sporting activities. The side members (2) of the spectacle frame are hollow and conceal elastic cords (6) which are attached to the pins (10) fitted near the rims.

The outer end of each cord has a clasp (5) which enables the ends to be joined together. The cords thus form a loop which passes around the wearer's head and retains the spectacles during sporting activities. The clasps are pulled against the ends (4) of the side members, when the cords are retracted into the frame.

Title Terms: SPECTACLE; FRAME; SPORTS; ACTIVE; RETRACT;  
ELASTIC; CORD; PASS; WEAR; HEAD

Since all other listed references are either in the English language or are accompanied by a translation into English, no concise explanation of relevance is required under 37 C.F.R. § 1.98(a)(3).

DATED July 9, 2002.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'DBD', followed by a horizontal line.

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